

1           **\*b0404/1.3\* SECTION 2679g.** 111.70 (4) (m) (title) of the statutes is amended  
2 to read:

3           111.70 (4) (m) (title) *Prohibited subjects of bargaining; school district*  
4 *municipal employers.*

5           **\*b0404/1.3\* SECTION 2679i.** 111.70 (4) (mc) of the statutes is created to read:  
6           111.70 (4) (mc) *Prohibited subjects of bargaining; fire fighting and law*  
7 *enforcement personnel.* In a bargaining unit containing fire fighting or law  
8 enforcement personnel, the municipal employer is prohibited from bargaining  
9 collectively with respect to:

10           1. The prohibition of access to arbitration as an alternative to the procedures  
11 in s. 62.13 (5).

12           2. The reduction of standards in s. 62.13 (5) (em) 1. to 7.

13           3. The payment of compensation in a way that is inconsistent with s. 62.13 (5)  
14 (h).".

15           **\*b0471/5.52\* 468.** Page 1228, line 17: after that line insert:

16           **\*b0471/5.52\* "SECTION 2677.** 111.70 (4) (cm) 8s. of the statutes is amended to  
17 read:

18           111.70 (4) (cm) 8s. 'Forms for determining costs.' The commission shall  
19 prescribe forms for calculating the total increased cost to the municipal employer of  
20 compensation and fringe benefits provided to school district professional employees.  
21 The cost shall be determined based upon the total cost of compensation and fringe  
22 benefits provided to school district professional employees who are represented by  
23 a labor organization on the 90th day before expiration of any previous collective  
24 bargaining agreement between the parties, or who were so represented if the

1 effective date is retroactive, or the 90th day prior to commencement of negotiations  
2 if there is no previous collective bargaining agreement between the parties, without  
3 regard to any change in the number, rank or qualifications of the school district  
4 professional employees. For purposes of such determinations, any cost increase that  
5 is incurred on any day other than the beginning of the 12-month period commencing  
6 with the effective date of the agreement or any succeeding 12-month period  
7 commencing on the anniversary of that effective date shall be calculated as if the cost  
8 increase were incurred as of the beginning of the 12-month period beginning on the  
9 effective date or anniversary of the effective date in which the cost increase is  
10 incurred. For the purpose of determining if a municipal employer has maintained  
11 current fringe benefits under sub. (1) (nc) 1. a., the commission shall consider the  
12 municipal employer to have maintained its health care coverage benefit if the  
13 municipal employer provides health care coverage to its school district professional  
14 employees through the Healthy Wisconsin Plan under ch. 260 and supplements that  
15 coverage, if necessary, to produce a health care coverage benefit that is actuarially  
16 equivalent to the health care coverage benefit in place before the school district  
17 professional employees become covered under the Healthy Wisconsin Plan under ch.  
18 260. If a dispute arises concerning the municipal employer's determination of  
19 actuarial equivalence or what supplemental benefits are sufficient to achieve  
20 actuarial equivalence, the dispute shall be resolved by a neutral person who is  
21 designated by the commission. In each collective bargaining unit to which subd. 5s.  
22 applies, the municipal employer shall transmit to the commission and the labor  
23 organization a completed form for calculating the total increased cost to the  
24 municipal employer of compensation and fringe benefits provided to the school

1 district professional employees covered by the agreement as soon as possible after  
2 the effective date of the agreement.

3 **\*b0471/5.52\* SECTION 2680j.** 111.91 (2) (pt) of the statutes is created to read:  
4 111.91 (2) (pt) Health care coverage of employees under the Healthy Wisconsin  
5 Plan under ch. 260.”.

6 **\*b0488/P1.18\* 469.** Page 1228, line 17: after that line insert:

7 **\*b0488/P1.18\* “SECTION 2681.** Subchapter VI of chapter 111 [precedes 111.95]  
8 of the statutes is created to read:

9 **CHAPTER 111**

10 **SUBCHAPTER VI**

11 **UNIVERSITY OF WISCONSIN SYSTEM**

12 **FACULTY AND ACADEMIC STAFF**

13 **LABOR RELATIONS**

14 **111.95 Declaration of policy.** The public policy of the state as to labor  
15 relations and collective bargaining involving faculty and academic staff at the  
16 University of Wisconsin System, in furtherance of which this subchapter is enacted,  
17 is as follows:

18 (1) The people of the state of Wisconsin have a fundamental interest in  
19 developing harmonious and cooperative labor relations within the University of  
20 Wisconsin System.

21 (2) It recognizes that there are 3 major interests involved: that of the public,  
22 that of the employee, and that of the employer. These 3 interests are to a considerable  
23 extent interrelated. It is the policy of this state to protect and promote each of these  
24 interests with due regard to the rights of the others.

1           **111.96 Definitions.** In this subchapter:

2           (1) “Academic staff” has the meaning given under s. 36.05 (1), but does not  
3 include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who  
4 is appointed to a visiting faculty position.

5           (2) “Board” means the Board of Regents of the University of Wisconsin System.

6           (3) “Collective bargaining” means the performance of the mutual obligation of  
7 the state as an employer, by its officers and agents, and the representatives of its  
8 employees, to meet and confer at reasonable times, in good faith, with respect to the  
9 subjects of bargaining provided in s. 111.998 with the intention of reaching an  
10 agreement, or to resolve questions arising under such an agreement. The duty to  
11 bargain, however, does not compel either party to agree to a proposal or require the  
12 making of a concession. Collective bargaining includes the reduction of any  
13 agreement reached to a written and signed document.

14          (4) “Collective bargaining unit” means a unit established under s. 111.98 (1).

15          (5) “Commission” means the employment relations commission.

16          (6) “Election” means a proceeding conducted by the commission in which the  
17 employees in a collective bargaining unit cast a secret ballot for collective bargaining  
18 representatives, or for any other purpose specified in this subchapter.

19          (7) “Employee” includes:

20           (a) All faculty, including faculty who are supervisors or management  
21 employees but not including faculty who hold a limited appointment under s. 36.17  
22 or deans.

23           (b) All academic staff, except for supervisors, management employees, and  
24 individuals who are privy to confidential matters affecting the employer–employee  
25 relationship.

1           (8) "Employer" means the state of Wisconsin.

2           (9) "Faculty" has the meaning given in s. 36.05 (8), except for an individual  
3 holding an appointment under s. 36.15 (1), (2), (2m), or (3).

4           (10) "Fair-share agreement" means an agreement between the employer and  
5 a labor organization representing employees under which all of the employees in a  
6 collective bargaining unit are required to pay their proportionate share of the cost  
7 of the collective bargaining process and contract administration measured by the  
8 amount of dues uniformly required of all members.

9           (11) "Institution" has the meaning given in s. 36.05 (9).

10          (12) "Labor dispute" means any controversy with respect to the subjects of  
11 bargaining provided in this subchapter.

12          (13) "Labor organization" means any employee organization whose purpose is  
13 to represent employees in collective bargaining with the employer, or its agents, on  
14 matters pertaining to terms and conditions of employment, but does not include any  
15 organization that does any of the following:

16           (a) Advocates the overthrow of the constitutional form of government in the  
17 United States.

18           (b) Discriminates with regard to the terms or conditions of membership  
19 because of race, color, creed, sex, age, sexual orientation, or national origin.

20          (14) "Maintenance of membership agreement" means an agreement between  
21 the employer and a labor organization representing employees that requires that all  
22 of the employees whose dues are being deducted from earnings under s. 20.921 (1)  
23 or 111.992 at or after the time the agreement takes effect shall continue to have dues  
24 deducted for the duration of the agreement and that dues shall be deducted from the

1 earnings of all employees who are hired on or after the effective date of the  
2 agreement.

3 (15) "Management employees" include those personnel engaged  
4 predominately in executive and managerial functions.

5 (16) "Office" means the office of state employment relations in the department  
6 of administration.

7 (17) "Referendum" means a proceeding conducted by the commission in which  
8 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit  
9 may cast a secret ballot on the question of directing the labor organization and the  
10 employer to enter into a fair-share or maintenance of membership agreement or to  
11 terminate such an agreement.

12 (18) "Representative" includes any person chosen by an employee to represent  
13 the employee.

14 (19) "Strike" includes any strike or other concerted stoppage of work by  
15 employees, any concerted slowdown or other concerted interruption of operations or  
16 services by employees, or any concerted refusal to work or perform their usual duties  
17 as employees of the state.

18 (20) "Supervisor" means any individual whose principal work is different from  
19 that of the individual's subordinates and who has authority, in the interest of the  
20 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,  
21 reward or discipline employees, or to adjust their grievances, or to authoritatively  
22 recommend such action, if the individual's exercise of such authority is not of a  
23 merely routine or clerical nature, but requires the use of independent judgment.

24 (21) "Unfair labor practice" means any unfair labor practice specified in s.  
25 111.991.

1           **111.965 Duties of the state.** (1) In the furtherance of this subchapter, the  
2 state shall be considered as a single employer. The board shall negotiate and  
3 administer collective bargaining agreements. To coordinate the employer position  
4 in the negotiation of agreements, the board shall maintain close liaison with the  
5 legislature and the office relative to the negotiation of agreements and the fiscal  
6 ramifications of those agreements. The board shall coordinate its collective  
7 bargaining activities with the office. The legislative branch shall act upon those  
8 portions of tentative agreements negotiated by the board that require legislative  
9 action.

10           (2) The board shall establish a collective bargaining capacity and shall  
11 represent the state in its responsibility as an employer under this subchapter. The  
12 board shall coordinate its actions with the director of the office.

13           **111.97 Rights of employees.** Employees shall have the right of  
14 self-organization and the right to form, join, or assist labor organizations, to bargain  
15 collectively through representatives of their own choosing under this subchapter,  
16 and to engage in lawful, concerted activities for the purpose of collective bargaining  
17 or other mutual aid or protection. Employees shall also have the right to refrain from  
18 any such activities.

19           **111.98 Collective bargaining units.** (1) Collective bargaining units for  
20 faculty and staff in the unclassified service of the state shall be structured with a  
21 collective bargaining unit for each of the following groups:

22           (a) Faculty of the University of Wisconsin-Madison.

23           (am) Faculty of the University of Wisconsin-Milwaukee.

24           (b) Faculty of the University of Wisconsin-Extension.

25           (bm) Faculty of the University of Wisconsin-Eau Claire.

- 1 (c) Faculty of the University of Wisconsin-Green Bay.
- 2 (cm) Faculty of the University of Wisconsin-La Crosse.
- 3 (d) Faculty of the University of Wisconsin-Oshkosh.
- 4 (dm) Faculty of the University of Wisconsin-Parkside.
- 5 (e) Faculty of the University of Wisconsin-Platteville.
- 6 (em) Faculty of the University of Wisconsin-River Falls.
- 7 (f) Faculty of the University of Wisconsin-Stevens Point.
- 8 (fm) Faculty of the University of Wisconsin-Stout.
- 9 (g) Faculty of the University of Wisconsin-Superior.
- 10 (gm) Faculty of the University of Wisconsin-Whitewater.
- 11 (h) Faculty of the University of Wisconsin Colleges.
- 12 (i) Academic staff of the University of Wisconsin-Madison.
- 13 (im) Academic staff of the University of Wisconsin-Milwaukee.
- 14 (j) Academic staff of the University of Wisconsin-Extension.
- 15 (jm) Academic staff of the University of Wisconsin-Eau Claire.
- 16 (k) Academic staff of the University of Wisconsin-Green Bay.
- 17 (km) Academic staff of the University of Wisconsin-La Crosse.
- 18 (L) Academic staff of the University of Wisconsin-Oshkosh.
- 19 (Lm) Academic staff of the University of Wisconsin-Parkside.
- 20 (m) Academic staff of the University of Wisconsin-Platteville.
- 21 (mm) Academic staff of the University of Wisconsin-River Falls.
- 22 (n) Academic staff of the University of Wisconsin-Stevens Point.
- 23 (nm) Academic staff of the University of Wisconsin-Stout.
- 24 (o) Academic staff of the University of Wisconsin-Superior.
- 25 (om) Academic staff of the University of Wisconsin-Whitewater.



1 (p) Academic staff of the University of Wisconsin Colleges.

2 (2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described  
3 under sub. (1) (a) to (p) may be combined into a single unit. If 2 or more collective  
4 bargaining units seek to combine into a single collective bargaining unit, the  
5 commission shall, upon the petition of at least 30 percent of the employees in each  
6 unit, hold an election to determine whether a majority of those employees voting in  
7 each unit desire to combine into a single unit. A combined collective bargaining unit  
8 shall be formed including all employees from each of those units in which a majority  
9 of the employees voting in the election approve a combined unit. The combined  
10 collective bargaining unit shall be formed immediately if there is no existing  
11 collective bargaining agreement in force in any of the units to be combined. If there  
12 is a collective bargaining agreement in force at the time of the election in any of the  
13 collective bargaining units to be combined, the combined unit shall be formed upon  
14 expiration of the last agreement for the units concerned.

15 (b) If 2 or more collective bargaining units have combined under par. (a), the  
16 commission shall, upon petition of at least 30 percent of the employees in any of the  
17 original units, hold an election of the employees in the original unit to determine  
18 whether the employees in that unit desire to withdraw from the combined collective  
19 bargaining unit. If a majority of the employees voting desire to withdraw from the  
20 combined collective bargaining unit, separate units consisting of the unit in which  
21 the election was held and a unit composed of the remainder of the combined unit shall  
22 be formed. The new collective bargaining units shall be formed immediately if there  
23 is no collective bargaining agreement in force for the combined unit. If there is a  
24 collective bargaining agreement in force for the combined collective bargaining unit,  
25 the new units shall be formed upon the expiration of the agreement. While there is

1 a collective bargaining agreement in force for the combined collective bargaining  
2 unit, a petition for an election under this paragraph may be filed only during October  
3 in the calendar year prior to the expiration of the agreement.

4 (3) The commission shall assign employees to the appropriate collective  
5 bargaining units described under sub. (1) or (2).

6 (4) Any labor organization may petition for recognition as the exclusive  
7 representative of a collective bargaining unit described under sub. (1) or (2) in  
8 accordance with the election procedures under s. 111.990 if the petition is  
9 accompanied by a 30 percent showing of interest in the form of signed authorization  
10 cards. Any additional labor organization seeking to appear on the ballot shall file a  
11 petition within 60 days of the date of filing of the original petition and prove, through  
12 signed authorization cards, that at least 10 percent of the employees in the collective  
13 bargaining unit want it to be their representative.

14 (5) Although academic staff supervisors are not considered employees for the  
15 purpose of this subchapter, the commission may consider a petition for a statewide  
16 collective bargaining unit consisting of academic staff supervisors, but the  
17 representative of the supervisors may not be affiliated with any labor organization  
18 representing employees. For purposes of this subsection, affiliation does not include  
19 membership in a national, state, county, or municipal federation of national or  
20 international labor organizations. The certified representative of the supervisors  
21 may not bargain collectively with respect to any matter other than wages and fringe  
22 benefits.

23 **111.990 Representatives and elections.** (1) A representative chosen for the  
24 purposes of collective bargaining by a majority of the employees voting in a collective  
25 bargaining unit shall be the exclusive representative of all of the employees in such

1 unit for the purposes of collective bargaining. Any individual employee, or any  
2 minority group of employees in any collective bargaining unit, may present any  
3 grievance to the employer in person, or through representatives of their own  
4 choosing, and the employer shall confer with the individual employee or group of  
5 employees with respect to the grievance if the majority representative has been  
6 afforded the opportunity to be present at the conference. Any adjustment resulting  
7 from such a conference may not be inconsistent with the conditions of employment  
8 established by the majority representative and the employer.

9 (2) Whenever a question arises concerning the representation of employees in  
10 a collective bargaining unit, the commission shall determine the representation by  
11 taking a secret ballot of the employees and certifying in writing the results to the  
12 interested parties and to the board. There shall be included on any ballot for the  
13 election of representatives the names of all labor organizations having an interest  
14 in representing the employees participating in the election as indicated in petitions  
15 filed with the commission. The name of any existing representative shall be included  
16 on the ballot without the necessity of filing a petition. The commission may exclude  
17 from the ballot one who, at the time of the election, stands deprived of his or her rights  
18 under this subchapter by reason of a prior adjudication of his or her having engaged  
19 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against  
20 representation by anyone named on the ballot. For elections in a collective  
21 bargaining unit composed of employees who are members of the faculty or academic  
22 staff, whenever more than one representative qualifies to appear on the ballot, the  
23 ballot shall be prepared to provide separate votes on 2 questions. The first question  
24 shall be: "Shall the employees of the ... (name of collective bargaining unit)  
25 participate in collective bargaining?". The 2nd question shall be: "If the employees

1 of the ... (name of collective bargaining unit) elect to participate in collective  
2 bargaining, which labor organization do you favor to act as representative of the  
3 employees?". The 2nd question shall not include a choice for no representative. All  
4 employees in the collective bargaining unit may vote on both questions. Unless a  
5 majority of those employees voting in the election vote to participate in collective  
6 bargaining, no votes for a particular representative may be counted. If a majority  
7 of those employees voting in the election vote to participate in collective bargaining,  
8 the ballots for representatives shall be counted. The commission's certification of the  
9 results of any election is conclusive as to the findings included therein unless  
10 reviewed under s. 111.07 (8).

11 (3) Whenever an election has been conducted under sub. (2) in which a majority  
12 of the employees voting indicate a desire to participate in collective bargaining but  
13 in which no named representative is favored by a majority of the employees voting,  
14 the commission may, if requested by a party to the proceeding within 30 days from  
15 the date of the certification of the results of the election, conduct a runoff election.  
16 In that runoff election, the commission shall drop from the ballot the name of the  
17 representative who received the least number of votes at the original election.

18 (4) While a collective bargaining agreement between a labor organization and  
19 an employer is in force under this subchapter, a petition for an election in the  
20 collective bargaining unit to which the agreement applies may be filed only during  
21 October in the calendar year prior to the expiration of that agreement. An election  
22 held under that petition may be held only if the petition is supported by proof that  
23 at least 30 percent of the employees in the collective bargaining unit desire a change  
24 or discontinuance of existing representation. Within 60 days of the time that an  
25 original petition is filed, another petition may be filed supported by proof that at least

1 10 percent of the employees in the same collective bargaining unit desire a different  
2 representative. If a majority of the employees in the collective bargaining unit vote  
3 for a change or discontinuance of representation by any named representative, the  
4 decision takes effect upon expiration of any existing collective bargaining agreement  
5 between the employer and the existing representative.

6 **111.991 Unfair labor practices.** (1) It is an unfair labor practice for an  
7 employer individually or in concert with others:

8 (a) To interfere with, restrain, or coerce employees in the exercise of their rights  
9 guaranteed under s. 111.97.

10 (b) Except as otherwise provided in this paragraph, to initiate, create,  
11 dominate, or interfere with the formation or administration of any labor or employee  
12 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)  
13 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement  
14 System under ch. 40 and no action by the employer that is authorized by such a law  
15 is a violation of this paragraph unless an applicable collective bargaining agreement  
16 specifically prohibits the change or action. No such change or action affects the  
17 continuing duty to bargain collectively regarding the Wisconsin Retirement System  
18 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice  
19 for the employer to reimburse an employee at his or her prevailing wage rate for the  
20 time spent during the employee's regularly scheduled hours conferring with the  
21 employer's officers or agents and for attendance at commission or court hearings  
22 necessary for the administration of this subchapter.

23 (c) To encourage or discourage membership in any labor organization by  
24 discrimination in regard to hiring, tenure, or other terms or conditions of

1 employment. This paragraph does not apply to fair-share or maintenance of  
2 membership agreements.

3 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a  
4 representative of a majority of its employees in an appropriate collective bargaining  
5 unit. Whenever the employer has a good faith doubt as to whether a labor  
6 organization claiming the support of a majority of its employees in an appropriate  
7 collective bargaining unit does in fact have that support, it may file with the  
8 commission a petition requesting an election as to that claim. The employer is not  
9 considered to have refused to bargain until an election has been held and the results  
10 of the election are certified to the employer by the commission. A violation of this  
11 paragraph includes the refusal to execute a collective bargaining agreement  
12 previously orally agreed upon.

13 (e) To violate any collective bargaining agreement previously agreed upon by  
14 the parties with respect to wages, hours, and conditions of employment affecting the  
15 employees, including an agreement to arbitrate or to accept the terms of an  
16 arbitration award, when previously the parties have agreed to accept such award as  
17 final and binding upon them.

18 (f) To deduct labor organization dues from an employee's earnings, unless the  
19 employer has been presented with an individual order therefor, signed by the  
20 employee personally, and terminable by at least the end of any year of its life or  
21 earlier by the employee giving at least 30 but not more than 120 days written notice  
22 of such termination to the employer and to the representative labor organization,  
23 except if there is a fair-share or maintenance of membership agreement in effect.  
24 The employer shall give notice to the labor organization of receipt of such notice of  
25 termination.

1           **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board  
2 to implement changes in salaries or conditions of employment for members of the  
3 faculty or academic staff at one institution, and not for other members of the faculty  
4 or academic staff at another institution, but this may be done only if the differential  
5 treatment is based on comparisons with the compensation and working conditions  
6 of employees performing similar services for comparable higher education  
7 institutions or based upon other competitive factors.

8           **(2)** It is unfair practice for an employee individually or in concert with others:

9           (a) To coerce or intimidate an employee in the enjoyment of the employee's legal  
10 rights, including those guaranteed under s. 111.97.

11           (b) To coerce, intimidate, or induce any officer or agent of the employer to  
12 interfere with any of the employer's employees in the enjoyment of their legal rights  
13 including those guaranteed under s. 111.97 or to engage in any practice with regard  
14 to its employees which would constitute an unfair labor practice if undertaken by the  
15 officer or agent on the officer's or agent's own initiative.

16           (c) To refuse to bargain collectively on matters specified in s. 111.998 with the  
17 authorized officer or agent of the employer that is the recognized or certified  
18 exclusive collective bargaining representative of employees in an appropriate  
19 collective bargaining unit. Such refusal to bargain shall include a refusal to execute  
20 a collective bargaining agreement previously orally agreed upon.

21           (d) To violate the provisions of any written agreement with respect to terms and  
22 conditions of employment affecting employees, including an agreement to arbitrate  
23 or to accept the terms of an arbitration award, when previously the parties have  
24 agreed to accept such awards as final and binding upon them.

1 (e) To engage in, induce, or encourage any employees to engage in a strike or  
2 a concerted refusal to work or perform their usual duties as employees.

3 (f) To coerce or intimidate a supervisory employee, officer, or agent of the  
4 employer, working at the same trade or profession as the employer's employees, to  
5 induce the person to become a member of or act in concert with the labor organization  
6 of which the employee is a member

7 (3) It is an unfair labor practice for any person to do or cause to be done on  
8 behalf of or in the interest of employers or employees, or in connection with or to  
9 influence the outcome of any controversy as to employment relations, any act  
10 prohibited by subs. (1) and (2).

11 (4) Any controversy concerning unfair labor practices may be submitted to the  
12 commission as provided in s. 111.07, except that the commission shall schedule a  
13 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after  
14 filing of a complaint, and notice shall be given to each party interested by service on  
15 the party personally, or by telegram, advising the party of the nature of the complaint  
16 and of the date, time, and place of hearing. The commission may appoint a substitute  
17 tribunal to hear unfair labor practice charges by either appointing a 3-member panel  
18 or submitting a 7-member panel to the parties and allowing each to strike 2 names.  
19 Any such panel shall report its finding to the commission for appropriate action.

20 **111.992 Fair-share and maintenance of membership agreements. (1)**

21 (a) No fair-share or maintenance of membership agreement may become effective  
22 unless authorized by a referendum. The commission shall order a referendum  
23 whenever it receives a petition supported by proof that at least 30 percent of the  
24 employees or supervisors specified in s. 111.98 (5) in a collective bargaining unit  
25 desire that a fair-share or maintenance of membership agreement be entered into



1 between the employer and a labor organization. A petition may specify that a  
2 referendum is requested on a maintenance of membership agreement only, in which  
3 case the ballot shall be limited to that question.

4 (b) For a fair-share agreement to be authorized, at least two-thirds of the  
5 eligible employees or supervisors voting in a referendum shall vote in favor of the  
6 agreement. For a maintenance of membership agreement to be authorized, at least  
7 a majority of the eligible employees or supervisors voting in a referendum shall vote  
8 in favor of the agreement. In a referendum on a fair-share agreement, if less than  
9 two-thirds but more than one-half of the eligible employees or supervisors vote in  
10 favor of the agreement, a maintenance of membership agreement is authorized.

11 (c) If a fair-share or maintenance of membership agreement is authorized in  
12 a referendum, the employer shall enter into such an agreement with the labor  
13 organization named on the ballot in the referendum. Each fair-share or  
14 maintenance of membership agreement shall contain a provision requiring the  
15 employer to deduct the amount of dues as certified by the labor organization from the  
16 earnings of the employees or supervisors affected by the agreement and to pay the  
17 amount so deducted to the labor organization. Unless the parties agree to an earlier  
18 date, the agreement shall take effect 60 days after certification by the commission  
19 that the referendum vote authorized the agreement. The employer shall be held  
20 harmless against any claims, demands, suits and other forms of liability made by  
21 employees or supervisors or local labor organizations which may arise for actions  
22 taken by the employer in compliance with this section. All such lawful claims,  
23 demands, suits and other forms of liability are the responsibility of the labor  
24 organization entering into the agreement.

1           (d) Under each fair-share or maintenance of membership agreement, an  
2       employee or supervisor who has religious convictions against dues payments to a  
3       labor organization based on teachings or tenets of a church or religious body of which  
4       he or she is a member shall, on request to the labor organization, have his or her dues  
5       paid to a charity mutually agreed upon by the employee or supervisor and the labor  
6       organization. Any dispute concerning this paragraph may be submitted to the  
7       commission for adjudication.

8           (2) (a) Once authorized, a fair-share or maintenance of membership  
9       agreement shall continue in effect, subject to the right of the employer or labor  
10      organization concerned to petition the commission to conduct a new referendum.  
11      Such a petition must be supported by proof that at least 30 percent of the employees  
12      or supervisors in the collective bargaining unit desire that the fair-share or  
13      maintenance of membership agreement be discontinued. Upon so finding, the  
14      commission shall conduct a new referendum. If the continuance of the fair-share or  
15      maintenance of membership agreement is approved in the referendum by at least the  
16      percentage of eligible voting employees or supervisors required for its initial  
17      authorization, it shall be continued in effect, subject to the right of the employer or  
18      labor organization to later initiate a further vote following the procedure prescribed  
19      in this subsection. If the continuation of the agreement is not supported in any  
20      referendum, it is considered terminated at the termination of the collective  
21      bargaining agreement, or one year from the date of the certification of the result of  
22      the referendum, whichever is earlier.

23           (b) The commission shall declare any fair-share or maintenance of  
24      membership agreement suspended upon such conditions and for such time as the  
25      commission decides whenever it finds that the labor organization involved has

1 refused on the basis of race, color, sexual orientation, or creed to receive as a member  
2 any employee or supervisor in the collective bargaining unit involved, and the  
3 agreement shall be made subject to the findings and orders of the commission. Any  
4 of the parties to the agreement, or any employee or supervisor covered under the  
5 agreement, may come before the commission, as provided in s. 111.07, and petition  
6 the commission to make such a finding.

7 (3) A stipulation for a referendum executed by an employer and a labor  
8 organization may not be filed until after the representation election has been held  
9 and the results certified.

10 (4) The commission may, under rules adopted for that purpose, appoint as its  
11 agent an official of a state agency whose employees are entitled to vote in a  
12 referendum to conduct a referendum under this section.

13 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the  
14 interpretation of a collective bargaining agreement may agree in writing to have the  
15 commission or any other appointing state agency serve as arbitrator or may  
16 designate any other competent, impartial, and disinterested persons to so serve.  
17 Such arbitration proceedings shall be governed by ch. 788.

18 (2) The board shall charge an institution for the employer's share of the cost  
19 related to grievance arbitration under sub. (1) for any arbitration that involves one  
20 or more employees of the institution. Each institution so charged shall pay the  
21 amount that the board charges from the appropriation account or accounts used to  
22 pay the salary of the grievant. Funds received under this subsection shall be credited  
23 to the appropriation account under s. 20.545 (1) (km).

24 **111.994 Mediation.** The commission may appoint any competent, impartial,  
25 disinterested person to act as mediator in any labor dispute either upon its own

1 initiative or upon the request of one of the parties to the dispute. It is the function  
2 of a mediator to bring the parties together voluntarily under such favorable auspices  
3 as will tend to effectuate settlement of the dispute, but neither the mediator nor the  
4 commission shall have any power of compulsion in mediation proceedings.

5 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable  
6 period of negotiation and after the settlement procedures, if any, established by the  
7 parties have been exhausted, the representative that has been certified by the  
8 commission after an election, as the exclusive representative of employees in an  
9 appropriate bargaining unit, and the employer, its officers, and agents, after a  
10 reasonable period of negotiation, are deadlocked with respect to any dispute between  
11 them arising in the collective bargaining process, the parties jointly may petition the  
12 commission, in writing, to initiate fact-finding under this section, and to make  
13 recommendations to resolve the deadlock.

14 **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall  
15 make an investigation with or without a formal hearing, to determine whether a  
16 deadlock in fact exists. The commission shall certify the results of the investigation.  
17 If the commission decides that fact-finding should be initiated, it shall appoint a  
18 qualified, disinterested person or, when jointly requested by the parties, a 3-member  
19 panel to function as a fact finder.

20 **(3)** The fact finder may establish dates and place of hearings and shall conduct  
21 the hearings under rules established by the commission. Upon request, the  
22 commission shall issue subpoenas for hearings conducted by the fact finder. The fact  
23 finder may administer oaths. Upon completion of the hearing, the fact finder shall  
24 make written findings of fact and recommendations for solution of the dispute and  
25 shall cause the same to be served on the parties and the commission. In making

1 findings and recommendations, the fact finder shall take into consideration among  
2 other pertinent factors the principles vital to the public interest in efficient and  
3 economical governmental administration. Upon the request of either party the fact  
4 finder may orally present the recommendations in advance of service of the written  
5 findings and recommendations. Cost of fact-finding proceedings shall be divided  
6 equally between the parties. At the time the fact finder submits a statement of his  
7 or her costs to the parties, the fact finder shall submit a copy thereof to the  
8 commission at its Madison office.

9 (4) A fact finder may mediate a dispute at any time prior to the issuance of the  
10 fact finder's recommendations.

11 (5) Within 30 days of the receipt of the fact finder's recommendations or within  
12 a time period mutually agreed upon by the parties, each party shall advise the other,  
13 in writing, as to the party's acceptance or rejection, in whole or in part, of the fact  
14 finder's recommendations and, at the same time, send a copy of the notification to  
15 the commission at its Madison office. Failure to comply with this subsection, by the  
16 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

17 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,  
18 the employer may either seek an injunction or file an unfair labor practice charge  
19 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the  
20 board to decide whether to seek an injunction or file an unfair labor practice charge.  
21 The existence of an administrative remedy does not constitute grounds for denial of  
22 injunctive relief.

23 (2) The occurrence of a strike and the participation in the strike by an employee  
24 do not affect the rights of the employer, in law or in equity, to deal with the strike,  
25 including all of the following:

1 (a) The right to impose discipline, including discharge, or suspension without  
2 pay, of any employee participating in the strike.

3 (b) The right to cancel the reinstatement eligibility of any employee engaging  
4 in the strike.

5 (c) The right of the employer to request the imposition of fines, either against  
6 the labor organization or the employee engaging in the strike, or to sue for damages  
7 because of such strike activity.

8 **111.997 Management rights.** Nothing in this subchapter shall interfere with  
9 the right of the board, in accordance with this subchapter to do any of the following:

10 (1) Carry out the statutory mandate and goals assigned to the board by the  
11 most appropriate and efficient methods and means and utilize personnel in the most  
12 appropriate and efficient manner possible.

13 (2) Suspend, demote, discharge, or take other appropriate disciplinary action  
14 against the employee; or to lay off employees in the event of lack of work or funds or  
15 under conditions where continuation of such work would be inefficient and  
16 nonproductive.

17 **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to (f),  
18 matters subject to collective bargaining to the point of impasse are salaries; fringe  
19 benefits consistent with sub. (2); and hours and conditions of employment.

20 (b) The board is not required to bargain on management rights under s.  
21 111.997, except that procedures for the adjustment or settlement of grievances or  
22 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of  
23 bargaining.

24 (c) The board is prohibited from bargaining on matters contained in sub. (2).

1 (d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1)  
2 (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all  
3 actions of the board that are authorized under any such law which apply to  
4 nonrepresented individuals employed by the state shall apply to similarly situated  
5 employees, unless otherwise specifically provided in a collective bargaining  
6 agreement that applies to those employees.

7 (e) Demands relating to retirement and group insurance shall be submitted to  
8 the board at least one year prior to commencement of negotiations.

9 (f) The board is not required to bargain on matters related to employee  
10 occupancy of houses or other lodging provided by the state.

11 (2) The board is prohibited from bargaining on:

12 (a) The mission and goals of the board as set forth in the statutes; the  
13 diminution of the right of tenure provided the faculty under s. 36.13, the rights  
14 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the  
15 rights of appointment provided academic staff under s. 36.15; or academic freedom.

16 (b) Amendments to this subchapter.

17 (c) Family leave and medical leave rights below the minimum afforded under  
18 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights  
19 to family leave or medical leave which are more generous to the employee than the  
20 rights provided under s. 103.10.

21 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)

22 3.

23 (e) The rights of employees to have retirement benefits computed under s.  
24 40.30.

1 (f) Honesty testing requirements that provide fewer rights and remedies to  
2 employees than are provided under s. 111.37.

3 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

4 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)  
5 to (8) and (10), 632.747, and 632.748.

6 (j) Compliance with the insurance requirements under s. 631.95.

7 (k) The definition of earnings under s. 40.02 (22).

8 (L) The maximum benefit limitations under s. 40.31

9 (m) The limitations on contributions under s. 40.32.

10 (n) The provision to employees of the health insurance coverage required under  
11 s. 632.895 (11) to (14).

12 (o) The requirements related to coverage of and prior authorization for  
13 treatment of an emergency medical condition under s. 632.85.

14 (p) The requirements related to coverage of drugs and devices under s. 632.853.

15 (q) The requirements related to experimental treatment under s. 632.855.

16 (r) The requirements under s. 609.10 related to offering a point-of-service  
17 option plan.

18 (s) The requirements related to internal grievance procedures under s. 632.83  
19 and independent review of certain health benefit plan determinations under s.  
20 632.835.

21 **111.999 Labor proposals.** The board shall notify and consult with the joint  
22 committee on employment relations, in such form and detail as the committee  
23 requests, regarding substantial changes in wages, employee benefits, personnel  
24 management, and program policy contract provisions to be included in any contract



1 proposal to be offered to any labor organization by the state or to be agreed to by the  
2 state before such proposal is actually offered or accepted.

3 **111.9991 Agreements.** (1) Any tentative agreement reached between the  
4 board, acting for the state, and any labor organization representing a collective  
5 bargaining unit specified in s. 111.98 shall, after official ratification by the labor  
6 organization, be submitted by the board to the joint committee on employment  
7 relations, which shall hold a public hearing before determining its approval or  
8 disapproval. If the committee approves the tentative agreement, it shall introduce  
9 in a bill or companion bills, to be put on the calendar or referred to the appropriate  
10 scheduling committee of each house, that portion of the tentative agreement which  
11 requires legislative action for implementation, such as salary and wage adjustments,  
12 changes in fringe benefits, and any proposed amendments, deletions, or additions to  
13 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)  
14 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of  
15 the tentative agreement to appropriate legislative committees for advisory  
16 recommendations on the proposed terms. The committee shall accompany the  
17 introduction of such proposed legislation with a message that informs the legislature  
18 of the committee's concurrence with the matters under consideration and that  
19 recommends the passage of such legislation without change. If the joint committee  
20 on employment relations does not approve the tentative agreement, it shall be  
21 returned to the parties for renegotiation. If the legislature does not adopt without  
22 change that portion of the tentative agreement introduced by the joint committee on  
23 employment relations, the tentative agreement shall be returned to the parties for  
24 renegotiation.

25 (2) No portion of any tentative agreement shall become effective separately.

1           (3) Agreements shall coincide with the fiscal year or biennium.

2           (4) The negotiation of collective bargaining agreements and their approval by  
3 the parties should coincide with the overall fiscal planning and processes of the state.

4           (5) All compensation adjustments for employees shall be effective on the  
5 beginning date of the pay period nearest the statutory or administrative date.

6           **111.9992 Status of existing benefits and rights.** Unless a prohibited  
7 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),  
8 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules  
9 governing the salaries, fringe benefits, hours, and conditions of employment apply  
10 to each employee, unless otherwise provided in a collective bargaining agreement.

11           **111.9993 Rules, transcripts, fees.** (1) The commission may adopt  
12 reasonable and proper rules relative to the exercise of its powers and authority and  
13 proper rules to govern its proceedings and to regulate the conduct of all elections and  
14 hearings under this subchapter. The commission shall, upon request, provide a  
15 transcript of a proceeding to any party to the proceeding for a fee, established by rule,  
16 by the commission at a uniform rate per page. All transcript fees shall be credited  
17 to the appropriation account under s. 20.425 (1) (i).

18           (2) The commission shall assess and collect a filing fee for filing a complaint  
19 alleging that an unfair labor practice has been committed under s. 111.991. The  
20 commission shall assess and collect a filing fee for filing a request that the  
21 commission act as an arbitrator to resolve a dispute involving the interpretation or  
22 application of a collective bargaining agreement under s. 111.993. The commission  
23 shall assess and collect a filing fee for filing a request that the commission initiate  
24 fact-finding under s. 111.995. The commission shall assess and collect a filing fee  
25 for filing a request that the commission act as a mediator under s. 111.994. For the

1 performance of commission actions under ss. 111.993, 111.994, and 111.995, the  
2 commission shall require that the parties to the dispute equally share in the payment  
3 of the fee and, for the performance of commission actions involving a complaint  
4 alleging that an unfair labor practice has been committed under s. 111.991, the  
5 commission shall require that the party filing the complaint pay the entire fee. If any  
6 party has paid a filing fee requesting the commission to act as a mediator for a labor  
7 dispute and the parties do not enter into a voluntary settlement of the labor dispute,  
8 the commission may not subsequently assess or collect a filing fee to initiate  
9 fact-finding to resolve the same labor dispute. If any request concerns issues arising  
10 as a result of more than one unrelated event or occurrence, each such separate event  
11 or occurrence shall be treated as a separate request. The commission shall  
12 promulgate rules establishing a schedule of filing fees to be paid under this  
13 subsection. Fees required to be paid under this subsection shall be paid at the time  
14 of filing the complaint or the request for fact-finding, mediation, or arbitration. A  
15 complaint or request for fact-finding, mediation, or arbitration is not filed until the  
16 date such fee or fees are paid. Fees collected under this subsection shall be credited  
17 to the appropriation account under s. 20.425 (1) (i).”.

18 **\*b0506/2.3\* 470.** Page 1229, line 11: after that line insert:

19 **\*b0506/2.3\* “SECTION 2683m.** 115.28 (46) of the statutes is created to read:

20 115.28 (46) GRANTS FOR NURSING SERVICES. From the appropriation under s.  
21 20.255 (2) (dL), annually award grants to school districts, other than the school  
22 district operating under ch. 119, to employ additional school nurses or contract for  
23 additional nursing services. The state superintendent shall award grants to those  
24 school districts that demonstrate the greatest need for such services based upon

1 criteria such as the ratio of pupils to nurses, the rate of chronic health problems  
2 among pupils, and the number of pupils from low-income families. A school district  
3 receiving a grant may not use the money to supplant existing nursing staff or  
4 services. Each school district receiving a grant shall submit a report to the  
5 department describing how the school district used the money and its effectiveness  
6 in providing additional nursing services to pupils who need such services.”.

7 **\*b0541/1.3\* 471.** Page 1234, line 11: after that line insert:

8 **\*b0541/1.3\* “SECTION 2708m.** 115.436 of the statutes is created to read:

9 **115.436 Sparsity aid. (1)** In this section, “membership” has the meaning  
10 given in s. 121.004 (5).

11 **(2)** A school district is eligible for sparsity aid under this section if it satisfies  
12 all of the following criteria:

13 **(a)** The school district’s membership in the previous school year was no more  
14 than 725.

15 **(b)** At least 20 percent of the school district’s membership in the previous school  
16 year was eligible for a free or reduced-price lunch under 42 USC 1758 (b).

17 **(c)** The school district’s membership in the previous school year divided by the  
18 school district’s area in square miles is less than 10.

19 **(3) (a)** The department shall pay to each school district eligible for sparsity aid  
20 the following amount from the appropriation under s. 20.255 (2) (ae), subject to par.

21 **(b):**

22 1. If less than 50 percent of the school district’s membership in the previous  
23 school year was eligible for a free or reduced-price lunch under 42 USC 1758 (b), \$150  
24 multiplied by the membership in the previous school year.

1           2. If 50 percent or more of the school district's membership in the previous  
2 school year was eligible for a free or reduced-price lunch under 42 USC 1758 (b), \$300  
3 multiplied by the membership in the previous school year.

4           (b) If the appropriation under s. 20.255 (2) (ae) in any fiscal year is insufficient  
5 to pay the full amount under par. (a), the department shall prorate the payments  
6 among the eligible school districts.”.

7           **\*b0534/1.3\* 472.** Page 1235, line 20: after that line insert:

8           **\*b0534/1.3\* “SECTION 2711d.** 115.881 (4) of the statutes is created to read:

9           115.881 (4) A school district receiving aid under s. 115.883 (10) in any school  
10 year is not eligible for aid under this section in that school year.

11           **\*b0534/1.3\* SECTION 2711e.** 115.883 of the statutes is created to read:

12           **115.883 Supplemental special education aid. (1)** From the appropriation  
13 under s. 20.255 (2) (be), the department shall pay supplemental special education aid  
14 to school districts to which all of the following apply:

15           (a) In the previous school year, the school district's revenue authority per pupil  
16 under subch. VII of ch. 121 was below the statewide average.

17           (b) In the previous school year, the school district's expenditures for special  
18 education constituted more than 16 percent of the school district's total  
19 expenditures.

20           (c) In the previous school year, the school district's membership, as defined in  
21 s. 121.004 (5), was less than 2,000 pupils.

22           **(2)** In the 2007-08 school year, the department shall pay each school district  
23 eligible for aid under this section the same amount. In each school year thereafter,  
24 the department shall distribute aid under this section to eligible school districts

1 proportionally based upon each school district's expenditures for special education  
2 in the previous school year, except that in any school year a school district may  
3 receive not less than \$50,000, and not more than \$150,000 or an amount equal to 50  
4 percent of the school district's expenditures for special education in the previous  
5 school year, whichever is less.

6 (3) A school district receiving aid under s. 115.881 in any school year is not  
7 eligible for aid under this subsection in that school year.”.

8 \*b0371/1.3\* **473.** Page 1237, line 5: after that line insert:

9 \*b0371/1.3\* “SECTION 2718. 118.245 of the statutes is repealed.”.

10 \*b0476/1.13\* **474.** Page 1239, line 22: after that line insert:

11 \*b0476/1.13\* “SECTION 2730d. 118.51 (14) (b) of the statutes, as affected by  
12 2007 Wisconsin .... (this act), is amended to read:

13 118.51 (14) (b) *Low-income assistance.* The parent of a pupil who is eligible for  
14 a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public  
15 school in a nonresident school district in the following school year under this section  
16 may apply to the department, on the form prepared under sub. (15) (a), for the  
17 reimbursement of costs incurred by the parent for the transportation of the pupil to  
18 and from the pupil's residence and the school that the pupil will be attending. The  
19 department shall determine the reimbursement amount and shall pay the amount  
20 from the appropriation under s. 20.255 (2) (~~vy~~) (cy). The reimbursement amount may  
21 not exceed the actual transportation costs incurred by the parent or 3 times the  
22 statewide average per pupil transportation costs, whichever is less. If the  
23 appropriation under s. 20.255 (2) (~~vy~~) (cy) in any one year is insufficient to pay the  
24 full amount of approved claims under this paragraph, payments shall be prorated

1 among the parents entitled thereto. By the 2nd Friday following the first Monday  
2 in May following receipt of the parent's application under sub. (3) (a), the department  
3 shall provide to each parent requesting reimbursement under this paragraph an  
4 estimate of the amount of reimbursement that the parent will receive if the pupil  
5 attends public school in the nonresident school district in the following school year.”.

6 **\*b0476/1.14\* 475.** Page 1240, line 8: after that line insert:

7 **\*b0476/1.14\* “SECTION 2731d.** 118.52 (11) (b) of the statutes, as affected by  
8 2007 Wisconsin Act .... (this act), is amended to read:

9 118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending  
10 a course in a public school in a nonresident school district under this section may  
11 apply to the department for reimbursement of the costs incurred by the parent for  
12 the transportation of the pupil to and from the pupil's residence or school in which  
13 the pupil is enrolled and the school at which the pupil is attending the course if the  
14 pupil and parent are unable to pay the cost of such transportation. The department  
15 shall determine the reimbursement amount and shall pay the amount from the  
16 appropriation under s. 20.255 (2) (~~vy~~) (cy). The department shall give preference  
17 under this paragraph to those pupils who are eligible for a free or reduced-price  
18 lunch under 42 USC 1758 (b).”.

19 **\*b0476/1.15\* 476.** Page 1240, line 20: after that line insert:

20 **\*b0476/1.15\* “SECTION 2732d.** 118.55 (7g) of the statutes, as affected by 2007  
21 Wisconsin Act .... (this act), is amended to read:

22 118.55 (7g) **TRANSPORTATION.** The parent or guardian of a pupil who is  
23 attending an institution of higher education or technical college under this section  
24 and is taking a course for high school credit may apply to the state superintendent

1 for reimbursement of the cost of transporting the pupil between the high school in  
2 which the pupil is enrolled and the institution of higher education or technical college  
3 that the pupil is attending if the pupil and the pupil's parent or guardian are unable  
4 to pay the cost of such transportation. The state superintendent shall determine the  
5 reimbursement amount and shall pay the amount from the appropriation under s.  
6 20.255 (2) ~~(vw)~~ (cw). The state superintendent shall give preference under this  
7 subsection to those pupils who are eligible for a free or reduced-price lunch under  
8 42 USC 1758 (b).”.

9 **\*b0471/5.53\* 477.** Page 1241, line 22: after that line insert:

10 **\*b0471/5.53\* “SECTION 2737d.** 120.13 (2) (b) of the statutes is amended to  
11 read:

12 120.13 (2) (b) Provide health care benefits not provided under the Healthy  
13 Wisconsin Plan under ch. 260 on a self-insured basis to the employees of the school  
14 district if the school district has at least 100 employees. In addition, any 2 or more  
15 school districts which together have at least 100 employees may jointly provide  
16 health care benefits not provided under the Healthy Wisconsin Plan under ch. 260  
17 on a self-insured basis to employees of the school districts.

18 **\*b0471/5.53\* SECTION 2737h.** 120.13 (2) (g) of the statutes is amended to read:

19 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
20 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
21 632.85, 632.853, 632.855, 632.87 (4), ~~(5), and (6), 632.895 (9) to (14), 632.896, and~~  
22 767.513 (4).”.

23 **\*b0340/P1.1\* 478.** Page 1242, line 14: after that line insert:

24 **\*b0340/P1.1\* “SECTION 2738r.** 120.13 (18m) of the statutes is created to read:



1           120.13 (18m) WIND ELECTRICITY GENERATORS. Construct or acquire, borrow  
2 funds to construct or acquire, operate, and maintain a wind electricity generation  
3 facility, and use or sell the energy generated by the facility, if the school board's share  
4 of the installed capacity of the facility does not exceed 5 megawatts and the school  
5 board incorporates information about the facility in its curriculum.”.

6           **\*b0476/1.16\* 479.** Page 1242, line 21: after that line insert:

7           **\*b0476/1.16\* “SECTION 2740d.** 121.007 of the statutes, as affected by 2007  
8 Wisconsin Act .... (this act), is amended to read:

9           **121.007 Use of state aid; exemption from execution.** All moneys paid to  
10 a school district under s. 20.255 (2) (ac), (bc), (cg), and ~~(vr)~~ (cr), shall be used by the  
11 school district solely for the purposes for which paid. Such moneys are exempt from  
12 execution, attachment, garnishment, or other process in favor of creditors, except as  
13 to claims for salaries or wages of teachers and other school employees and as to  
14 claims for school materials, supplies, fuel, and current repairs.”.

15           **\*b0474/1.1\* 480.** Page 1242, line 22: delete lines 22 to 25.

16           **\*b0474/1.2\* 481.** Page 1243, line 1: delete lines 1 to 15.

17           **\*b0403/1.3\* 482.** Page 1243, line 15: after that line insert:

18           **\*b0403/1.3\* “SECTION 2744g.** 121.136 of the statutes is created to read:

19           **121.136 State aid for high poverty school districts.** (1) In the 2007-08  
20 and 2008-09 school years, the department shall pay additional state aid to a school  
21 district if at least 50 percent of the district's enrollment, as rounded to the nearest  
22 whole percentage point and as reported to the department by the school district in  
23 October 2006, as a condition for participation in the federal school lunch program  
24 under 42 USC 1758 (b), was eligible for a free or reduced-price lunch in the federal

1 school lunch program under 42 USC 1758 (b). The amount paid to each eligible school  
2 district shall be determined as follows:

3 (a) Divide the amount appropriated under s. 20.255 (2) (bb) by the total number  
4 of pupils enrolled in all eligible school districts who were eligible for a free or  
5 reduced-price lunch under 42 USC 1758 (b), as reported to the department in  
6 October 2006.

7 (b) Multiply the quotient under par. (a) by the number of pupils enrolled in the  
8 school district who were eligible for a free or reduced-price lunch under 42 USC 1758  
9 (b), as reported to the department in October 2006.

10 (2) In the 2009-10 school year and annually thereafter, the department shall  
11 pay additional state aid to a school district if at least 50 percent of the district's  
12 enrollment on the 3rd Friday of September in the immediately preceding  
13 even-numbered year, as rounded to the nearest whole percentage point, was eligible  
14 for a free or reduced-price lunch in the federal school lunch program under 42 USC  
15 1758 (b). The amount paid to each school district shall be determined by multiplying  
16 the number of pupils enrolled in the school district on that date that were eligible for  
17 a free or reduced-price lunch under 42 USC 1758 (b) by \$145."

18 **\*b0522/1.4\* 483.** Page 1243, line 16: delete the material beginning with that  
19 line and ending with page 1244, line 4.

20 **\*b0476/1.17\* 484.** Page 1244, line 10: after that line insert:

21 **\*b0476/1.17\* "SECTION 2747d.** 121.575 (3) of the statutes, as affected by 2007  
22 Wisconsin Act .... (this act), is amended to read:

23 121.575 (3) If the federal government requires, as a condition of full federal  
24 financial participation under sub. (2) (b), that this state provide assistance for the

1 purposes of sub. (2) (a) from state resources, the department shall provide the  
2 assistance from the appropriation under s. 20.255 (2) ~~(vr)~~ (cr) in the minimum  
3 amount required to obtain full federal financial participation.”.

4 **\*b0565/1.1\* 485.** Page 1244, line 14: after that line insert:

5 **\*b0565/1.1\* “SECTION 2748m.** 121.58 (2) (d) of the statutes is created to read:

6 121.58 (2) (d) In addition to any other payments made under this section, the  
7 department shall allocate \$35,000 annually to reimburse school districts for 75  
8 percent of the costs incurred to transport pupils over ice from their residence on an  
9 island to school on the mainland and back to their residence on the island, including  
10 the costs of maintaining and storing equipment. If in any school year the amount to  
11 which school districts are entitled under this paragraph exceeds \$35,000, the  
12 department shall prorate the payments among the eligible school districts.”.

13 **\*b0403/1.4\* 486.** Page 1244, line 22: after that line insert:

14 **\*b0403/1.4\* “SECTION 2749q.** 121.90 (2) (intro.) of the statutes is amended to  
15 read:

16 121.90 (2) (intro.) “State aid” means aid under ss. 121.08, 121.09 ~~and~~ , 121.105,  
17 and 121.136 and subch. VI, as calculated for the current school year on October 15  
18 under s. 121.15 (4) and including adjustments made under s. 121.15 (4), and amounts  
19 under s. 79.095 (4) for the current school year, except that “state aid” excludes all of  
20 the following.”.

21 **\*b0476/1.18\* 487.** Page 1244, line 22: after that line insert:

22 **\*b0476/1.18\* “SECTION 2749d.** 121.58 (6) of the statutes, as affected by 2007  
23 Wisconsin Act .... (this act), is amended to read:

1           121.58 **(6)** APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) ~~(vr)~~  
2       ~~(cr)~~ in any one year is insufficient to pay the full amount of approved claims under  
3       this section, state aid payments for school districts not participating in the program  
4       under s.121.575 shall be prorated as though the minimum amount under s. 121.575  
5       (3) had not been made and state aid payments for school districts participating in the  
6       program under s. 121.575 shall be prorated after deducting the minimum amount  
7       under s. 121.575 (3).”.

8           **\*b0339/1.1\* 488.** Page 1245, line 5: delete lines 5 to 12 and substitute:

9           **\*b0339/1.1\* “SECTION 2752k.** 121.91 (4) (f) 1. of the statutes is renumbered  
10       121.91 (4) (f) 1. (intro.) and amended to read:

11           121.91 **(4)** (f) 1. (intro.) Except as provided in subd. 1m., ~~for the 1999-2000~~  
12       ~~school year or any school year thereafter~~, if the average of the number of pupils  
13       enrolled in the current and the 2 preceding school years is less than the average of  
14       the number of pupils enrolled in the 3 previous school years, the limit otherwise  
15       applicable under sub. (2m) (e) is increased ~~by the additional amount that would have~~  
16       ~~been calculated had the decline in average enrollment been 25% of what it was. as~~  
17       follows:”.

18           **\*b0339/1.2\* 489.** Page 1245, line 12: after that line insert:

19           **\*b0339/1.2\* “SECTION 2752L.** 121.91 (4) (f) 1. a. to c. of the statutes are created  
20       to read:

21           121.91 **(4)** (f) 1. a. In the current school year, by the additional amount that  
22       would have been calculated had there been no decline in average enrollment.

23           b. In the succeeding school year, by an amount equal to 75 percent of the  
24       additional amount calculated under subd. 1. a.

1 c. In the 2nd succeeding school year, by an amount equal to 50 percent of the  
2 additional amount calculated under subd. 1. a.”.

3 **\*b0339/1.3\* 490.** Page 1245, line 19: after “was” insert “. In the succeeding  
4 school year, the limit otherwise applicable under sub. (2m) (e) is increased by an  
5 amount equal to 75 percent of the amount calculated under this subdivision for the  
6 school year beginning on the first July 1 following the effective date of the  
7 reorganization. In the 2nd succeeding school year, the limit otherwise applicable  
8 under sub. (2m) (e) is increased by an amount equal to 50 percent of the amount  
9 calculated under this subdivision for the school year beginning on the first July 1  
10 following the effective date of the reorganization”.

11 **\*b0339/1.4\* 491.** Page 1246, line 2: after “was” insert “. In the succeeding  
12 school year, the limit otherwise applicable under sub. (2m) (e) is increased by an  
13 amount equal to 75 percent of the amount calculated under this subdivision for the  
14 school year beginning on the 2nd July 1 following the effective date of the  
15 reorganization. In the 2nd succeeding school year, the limit otherwise applicable  
16 under sub. (2m) (e) is increased by an amount equal to 50 percent of the amount  
17 calculated under this subdivision for the school year beginning on the 2nd July 1  
18 following the effective date of the reorganization”.

19 **\*b0339/1.5\* 492.** Page 1246, line 2: after that line insert:

20 **\*b0339/1.5\* “SECTION 2754d.** 121.91 (4) (f) 1m. d. of the statutes is created to  
21 read:

22 121.91 (4) (f) 1m. d. For any school year beginning after the school year  
23 described in subd. 1m. c., subd. 1. applies.”.

1           **\*b0337/1.1\* 493.** Page 1246, line 10: delete the material beginning with  
2           "\$25,000" and ending with "subd. 3" on line 12 and substitute "an amount equal to  
3           \$100 times the number of pupils enrolled in the school district or \$40,000, whichever  
4           is greater, for the purpose of covering compensation costs associated with providing  
5           security officers in the school district and purchasing safety equipment".

6           **\*b0337/1.2\* 494.** Page 1246, line 13: delete "for the purpose described in  
7           subd. 3. a.".

8           **\*b0337/1.3\* 495.** Page 1246, line 15: delete the material beginning with "that  
9           operates" and ending with "12" on line 16 and substitute "and that describes the  
10          manner in which the increased revenue shall be used,".

11          **\*b0337/1.4\* 496.** Page 1246, line 17: delete the material beginning with "no  
12          later" and ending with "paragraph" on line 18.

13          **\*b0337/1.5\* 497.** Page 1246, line 19: delete the material beginning with "A  
14          school" and ending with "4." on page 1247, line 6.

15          **\*b0338/1.1\* 498.** Page 1247, line 20: after that line insert:

16          **\*b0338/1.1\* "SECTION 2756b.** 121.91 (4) (n) of the statutes is created to read:  
17          121.91 (4) (n) The limit otherwise applicable to a school district under sub. (2m)  
18          in any school year is increased by the amount spent by the school district in that  
19          school year to pay the salary and fringe benefit costs of school nurses employed by  
20          the school district. Any additional revenue received by a school district as a result  
21          of this paragraph shall not be included in the base for determining the limit for the  
22          next school year for purposes of this section."

1           **\*b0338/1.2\* 499.** Page 1247, line 22: delete “and (m)” and substitute “(m),  
2           and (n)”.

3           **\*b0395/P1.1\* 500.** Page 1248, line 14: after that line insert:

4           **\*b0395/P1.1\* “SECTION 2757p.** 125.02 (3r) of the statutes is created to read:  
5           125.02 (3r) “Caterer” means any person holding a restaurant permit under s.  
6           254.64 who is in the business of preparing food and transporting it for consumption  
7           on premises where gatherings, meetings, or events are held, if the sale of food at each  
8           gathering, meeting, or event accounts for greater than 50 percent of the gross  
9           receipts of all of the food and beverages served at the gathering, meeting, or event.”.

10          **\*b0521/2.1\* 501.** Page 1248, line 14: after that line insert:

11          **\*b0521/2.1\* “SECTION 2757r.** 125.01 of the statutes is amended to read:

12          **125.01 Legislative intent.** This chapter shall be construed as an enactment  
13          of the legislature’s support for the 3-tier system for alcohol beverages production,  
14          distribution, and sale that, through uniform statewide regulation, provides this  
15          state regulatory authority over the production, storage, distribution, transportation,  
16          sale, and consumption of alcohol beverages by and to its citizens, for the benefit of  
17          the public health and welfare and this state’s economic stability. Without the 3-tier  
18          system, the effective statewide regulation and collection of state taxes on alcohol  
19          beverages sales would be seriously jeopardized. It is further the intent of the  
20          legislature that without a specific statutory exception, all sales of alcohol beverages  
21          shall occur through the 3-tier system, from manufacturers to licensed wholesalers  
22          to retailers to consumers. Face-to-face retail sales at licensed premises directly  
23          advance the state’s interest in preventing alcohol sales to underage or intoxicated  
24          persons.

1           **\*b0521/2.1\* SECTION 2757t.** 125.015 of the statutes is created to read:

2           **125.015 Severability.** If any provision or clause of this chapter or its  
3 application to any person or circumstance is held invalid, the invalidity shall not  
4 affect other provisions or applications of this chapter that can be given effect without  
5 the invalid provision or application, and to this end the provisions of this chapter are  
6 severable.

7           **\*b0521/2.1\* SECTION 2757v.** 125.02 (3r) of the statutes is created to read:

8           **125.02 (3r)** "Caterer" means any person holding a restaurant permit under s.  
9 254.64 who is in the business of preparing food and transporting it for consumption  
10 on premises where gatherings, meetings, or events are held, if the sale of food at each  
11 gathering, meeting, or event accounts for greater than 50 percent of the gross  
12 receipts of all of the food and beverages served at the gathering, meeting, or event."

13           **\*b0395/P1.2\* 502.** Page 1249, line 7: after that line insert:

14           **\*b0395/P1.2\* "SECTION 2759k.** 125.26 (2u) of the statutes is created to read:

15           **125.26 (2u)** Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
16 addition to the authorization specified in sub. (1), a Class "B" license issued under  
17 this section to a caterer also authorizes the caterer to provide fermented malt  
18 beverages, including their retail sale, at the National Railroad Museum in Green  
19 Bay during special events held at this museum. Notwithstanding sub. (1), a caterer  
20 may provide fermented malt beverages under this subsection at any location at the  
21 National Railroad Museum even though the National Railroad Museum is not part  
22 of the caterer's licensed premises, as described under sub. (3) in the caterer's Class  
23 "B" license, and even if the National Railroad Museum is not located within the  
24 municipality that issued the caterer's Class "B" license. A caterer that provides



1 fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the  
2 fermented malt beverages were provided on the caterer's Class "B" licensed  
3 premises. This subsection does not authorize the National Railroad Museum to sell  
4 fermented malt beverages at retail or to procure or stock fermented malt beverages  
5 for purposes of retail sale. This subsection does not apply if, at any time, the National  
6 Railroad Museum holds a Class "B" license.

7 **\*b0395/P1.2\* SECTION 2759n.** 125.51 (3) (bu) of the statutes is created to read:

8 125.51 (3) (bu) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
9 addition to the authorization specified in sub. (1) (a) and in sub. (3) (a) or (b) , a "Class  
10 B" license issued under sub. (1) to a caterer also authorizes the caterer to provide  
11 intoxicating liquor, including its retail sale, at the National Railroad Museum in  
12 Green Bay during special events held at this museum. Notwithstanding subs. (1) (a)  
13 and (3) (a) and (b), a caterer may provide intoxicating liquor under this paragraph  
14 at any location at the National Railroad Museum even though the National Railroad  
15 Museum is not part of the caterer's licensed premises, as described under par. (d) in  
16 the caterer's "Class B" license, and even if the National Railroad Museum is not  
17 located within the municipality that issued the caterer's "Class B" license. A caterer  
18 that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as  
19 if the intoxicating liquor were provided on the caterer's "Class B" licensed premises.  
20 This paragraph does not authorize the National Railroad Museum to sell  
21 intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of  
22 retail sale. This paragraph does not apply if, at any time, the National Railroad  
23 Museum holds a "Class B" license."

24 **\*b0521/2.2\* 503.** Page 1249, line 7: after that line insert:

1           **\*b0521/2.2\* "SECTION 2759c.** 125.12 (5) of the statutes is amended to read:

2           125.12 (5) REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY  
3           THE DEPARTMENT. The department may, after notice and an opportunity for hearing,  
4           revoke, suspend or refuse to renew any retail permit issued by it for the causes  
5           provided in sub. (4) and any other permit issued by it under this chapter for any  
6           violation of this chapter or ch. 139, except that, for a violation of sub. (4) (ag) 6. with  
7           respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or  
8           139.035, the department shall revoke the license or permit. A revocation, suspension  
9           or refusal to renew is a contested case under ch. 227.

10          **\*b0521/2.2\* SECTION 2759d.** 125.51 (6) of the statutes is created to read:

11          125.51 (6) FACE-TO-FACE RETAIL SALES. Except as provided in sub. (3) (bm) and  
12          (bs) and except with respect to caterers, a retail license issued under this section  
13          authorizes only face-to-face sales to consumers at the licensed premises.

14          **\*b0521/2.2\* SECTION 2759e.** 125.52 (1) of the statutes is amended to read:

15          125.52 (1) AUTHORIZED ACTIVITIES. The department shall issue manufacturers'  
16          and rectifiers' permits which authorize the manufacture or rectification,  
17          respectively, of intoxicating liquor on the premises covered by the permit. A person  
18          holding a manufacturer's or rectifier's permit may manufacture, and bottle or  
19          wholesale wine, pursuant to the terms of the permit, without procuring a winery  
20          permit. A manufacturer's or rectifier's permit entitles the permittee to sell  
21          intoxicating liquor to wholesalers holding a permit under s. 125.54, and to other  
22          manufacturers and rectifiers holding a permit under this section, from the premises  
23          described in the permit. ~~Holder~~ ~~of rectifiers' permits may sell intoxicating liquor~~  
24          ~~rectified by the permittee to retailers without any other permit.~~ No sales may be  
25          made for consumption on the premises of the permittee. Possession of a permit under

1 this section does not authorize the permittee to sell tax-free intoxicating liquor and  
2 wines brought into this state under s. 139.03 (5).

3 **\*b0521/2.2\* SECTION 2759f.** 125.52 (6) of the statutes is repealed.

4 **\*b0521/2.2\* SECTION 2759g.** 125.52 (8) of the statutes is repealed.

5 **\*b0521/2.2\* SECTION 2759h.** 125.53 (1) of the statutes is amended to read:

6 125.53 (1) The department shall issue only to a manufacturing winery in this  
7 state that holds a valid certificate issued under s. 73.03 (50) a winery permit  
8 authorizing the manufacture and bottling of wine on the premises covered by the  
9 permit for sale ~~at wholesale to other licensees or permittees~~ to wholesalers holding  
10 a permit under s. 125.54. A permittee winery holding a permit under this section  
11 may offer on the premises taste samples of wine manufactured on the premises to  
12 persons who have attained the legal drinking age. A permittee under this section  
13 may also have either a "Class A" or "Class B" license, but not both. If a "Class A" or  
14 "Class B" liquor license has also been issued to the winery, the winery may offer the  
15 taste samples on the "Class A" or "Class B" premises.

16 **\*b0521/2.2\* SECTION 2759i.** 125.53 (3) of the statutes is repealed.

17 **\*b0521/2.2\* SECTION 2759j.** 125.535 of the statutes is created to read:

18 **125.535 Direct wine shippers' permits. (1) AUTHORIZED ACTIVITIES.** The  
19 department shall issue direct wine shippers' permits authorizing the permittee to  
20 ship wine directly to an individual in this state who is of the legal drinking age, who  
21 acknowledges in writing receipt of the wine shipped, and who is not intoxicated at  
22 the time of delivery. A signature on the delivery form of the common carrier by a  
23 person of legal drinking age acknowledges delivery in writing.

24 **(2) ANNUAL PERMIT FEE.** The department shall charge the following annual fee  
25 for each permit issued under this section:

1 (a) For a permittee that ships more than 90 liters of wine annually to  
2 individuals in this state, \$1,000.

3 (b) For a permittee that ships not less than 27 liters nor more than 90 liters of  
4 wine annually to individuals in this state, \$500.

5 (c) For a permittee that ships less than 27 liters of wine annually to individuals  
6 in this state, \$100.

7 **(3) PERSONS ELIGIBLE.** (a) A direct wine shipper's permit may be issued under  
8 this section to any person that manufactures and bottles wine on premises covered  
9 by any of the following:

10 1. A manufacturer's or rectifier's permit under s. 125.52.

11 2. A winery permit under s. 125.53.

12 3. A winery license, permit, or other authorization issued to the winery by any  
13 state from which the winery will ship wine into this state.

14 (b) A winery located outside of this state is eligible for a direct wine shipper's  
15 permit under par. (a) 3. if all of the following apply:

16 1. The winery holds a valid business tax registration certificate issued under  
17 s. 73.03 (50).

18 2. The winery submits to the department, with any initial application or  
19 renewal for a certificate under s. 73.03 (50) or a permit under par. (a) 3., a copy of any  
20 current license, permit, or authorization issued to the winery by the state from which  
21 the winery will ship wine into this state.

22 (c) Notwithstanding s. 125.04 (5) (a), natural persons obtaining direct wine  
23 shippers' permits are not required to be residents of this state. Notwithstanding s.  
24 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server  
25 training course to be eligible for a permit under this section. Notwithstanding s.

1 125.04 (6), corporations or limited liability companies obtaining direct wine shippers'  
2 permits are not required to appoint agents.

3 (4) ANNUAL REPORT REQUIRED. A permittee under this section shall submit a  
4 report to the department, by January 31 of each year, on forms furnished by the  
5 department, providing the identity, quantity, and price of all products shipped to  
6 individuals in this state during the previous calendar year, along with the name,  
7 address, and birthdate of each person who purchased these products and each person  
8 to whom these products were shipped.

9 (5) LABELS. Containers of wine shipped to an individual in this state under this  
10 section shall be clearly labeled to indicate that the package may not be delivered to  
11 an underage person or to an intoxicated person.

12 (6) RESTRICTIONS. No individual may resell, or use for a commercial purpose,  
13 wine received by the individual that is shipped under authority of this section.

14 (7) ANNUAL LIMIT. No individual in this state may receive more than 27 liters  
15 of wine annually shipped under authority of the section, and no permittee under this  
16 section may ship more than 27 liters of wine annually to an individual in this state.  
17 This subsection does not apply to purchases made under a permit issued under s.  
18 125.61.

19 **\*b0521/2.2\* SECTION 2759k.** 125.54 (1) of the statutes is amended to read:

20 125.54 (1) AUTHORIZED ACTIVITIES. The department shall issue wholesalers'  
21 permits authorizing the permittee to sell intoxicating liquor at wholesale from the  
22 premises described in the permit. ~~Except as provided under s. 125.69 (1) (b) 3., the~~  
23 The permittee may not sell intoxicating liquor for consumption on the premises. If  
24 a wholesale permit is issued to a brewery that holds a "Class B" license, the permit  
25 shall authorize the wholesale sale of wine only. Possession of a permit under this

1 section does not authorize the permittee to sell tax-free intoxicating liquor and wine  
2 brought into this state under s. 139.03 (5).

3 **\*b0521/2.2\* SECTION 2759km.** 125.58 (1) of the statutes is amended to read:

4 125.58 (1) The department shall issue out-of-state shippers' permits which  
5 authorize persons located outside this state to sell or ship intoxicating liquor into this  
6 state. Except as provided under sub. (4), intoxicating liquor may be shipped into this  
7 state only to a person holding a ~~manufacturer's, rectifier's, wholesaler's, industrial~~  
8 ~~alcohol or medicinal alcohol~~ permit under s. 125.54 or, if shipped from a  
9 manufacturer or rectifier in another state holding a permit under this section, to a  
10 person holding a manufacturer's or rectifier's permit under s. 125.52. Except as  
11 provided under sub. (4), a separate out-of-state shipper's permit is required for each  
12 location from which any intoxicating liquor is sold or shipped into this state,  
13 including the location from which the invoices are issued for the sales or shipments.  
14 Any person holding an out-of-state shipper's permit issued under this section may  
15 solicit orders for sales or shipments by the permittee without obtaining the sales  
16 solicitation permit required by s. 125.65, but every agent, salesperson or other  
17 representative who solicits orders for sales or shipments by an out-of-state shipper  
18 shall first obtain a permit for soliciting orders under s. 125.65. No holder of an  
19 out-of-state shipper's permit issued under this section may sell intoxicating liquor  
20 in this state or ship intoxicating liquor into this state unless the out-of-state shipper  
21 is the primary source of supply for that intoxicating liquor.

22 **\*b0521/2.2\* SECTION 2759L.** 125.58 (4) (a) (intro.) of the statutes is  
23 renumbered 125.58 (4) and amended to read:

1           125.58 (4) (a) A winery located outside of this state may ship wine into this state  
2 as provided under s. ~~125.68 (10) (bm)~~ if all of the following apply: 125.535 and is not  
3 required to hold an out-of-state shipper's permit under this section.

4           **\*b0521/2.2\* SECTION 2759m.** 125.58 (4) (a) 1. to 4. of the statutes are repealed.

5           **\*b0521/2.2\* SECTION 2759mm.** 125.58 (4) (b) of the statutes is repealed.

6           **\*b0521/2.2\* SECTION 2759n.** 125.68 (10) (a) of the statutes is amended to read:

7           125.68 (10) (a) Except as provided in ~~par. (bm)~~ s. 125.535, no intoxicating liquor  
8 may be shipped into this state unless consigned to a person holding a wholesaler's  
9 permit for the sale of intoxicating liquor, other than a retail "Class B" permit under  
10 s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a  
11 permit under s. 125.58, consigned to a person holding a manufacturer's or rectifier's  
12 permit under s. 125.52.

13          **\*b0521/2.2\* SECTION 2759o.** 125.68 (10) (b) of the statutes is amended to read:

14          125.68 (10) (b) Except as provided in ~~par. (bm)~~ s. 125.535, no common carrier  
15 or other person may transport into and deliver within this state any intoxicating  
16 liquor unless it is consigned to a person holding a wholesaler's permit for the sale of  
17 intoxicating liquor, other than a retail "Class B" permit under s. 125.54. Any common  
18 carrier violating this paragraph shall forfeit \$100 for each violation.

19          **\*b0521/2.2\* SECTION 2759p.** 125.68 (10) (bm) of the statutes is repealed.

20          **\*b0521/2.2\* SECTION 2759pg.** 125.68 (10) (bs) of the statutes is repealed.

21          **\*b0521/2.2\* SECTION 2759pr.** 125.68 (10) (c) of the statutes is repealed.

22          **\*b0521/2.2\* SECTION 2759q.** 125.69 (1) (a) of the statutes is amended to read:

23          125.69 (1) (a) No intoxicating liquor manufacturer, rectifier, winery,  
24 out-of-state shipper permittee, or wholesaler may hold any direct or indirect  
25 interest in any "Class A" license or establishment and no "Class A" licensee may hold

1 any direct or indirect interest in a wholesale permit or establishment, except that a  
2 winery that has a permit under s. 125.53 may have an ownership interest in a "Class  
3 A" license.

4 **\*b0521/2.2\* SECTION 2759r.** 125.69 (1) (b) 1. of the statutes is amended to read:

5 125.69 (1) (b) 1. Except as provided under ~~subds. 2. to subd. 4.~~, no intoxicating  
6 liquor manufacturer, rectifier, ~~winery, out-of-state shipper permittee,~~ or wholesaler  
7 may hold any direct or indirect interest in any "Class B" license or permit or  
8 establishment or "Class C" license or establishment and no "Class B" licensee or  
9 permittee or "Class C" licensee may hold any direct or indirect interest in a wholesale  
10 permit or establishment.

11 **\*b0521/2.2\* SECTION 2759s.** 125.69 (1) (b) 2. and 3. of the statutes are repealed.

12 **\*b0521/2.2\* SECTION 2759t.** 125.69 (1) (c) (intro.) of the statutes is renumbered

13 125.69 (1) (c) and amended to read:

14 125.69 (1) (c) No manufacturer, whether located within or without this state,  
15 may hold any direct or indirect interest in any wholesale permit or establishment,  
16 except as provided in s. 125.53, ~~and except that a manufacturer that is also a brewer~~  
17 ~~may hold a permit issued under s. 125.54 for the wholesale sale of wine only. This~~  
18 ~~paragraph does not prohibit any of the following persons from obtaining a permit~~  
19 ~~under s. 125.65:.~~ Except as provided in s. 125.53, no retail licensee may hold any  
20 direct or indirect interest in any manufacturer, rectifier, or winery.

21 **\*b0521/2.2\* SECTION 2759u.** 125.69 (1) (c) 1. to 3. of the statutes are repealed.

22 **\*b0521/2.2\* SECTION 2759v.** 125.69 (4) (c) of the statutes is repealed.

23 **\*b0521/2.2\* SECTION 2759w.** 125.69 (6) (a) of the statutes is amended to read:

24 125.69 (6) (a) No campus or retail licensee or permittee may purchase or  
25 possess intoxicating liquor purchased from any person other than a ~~manufacturer,~~



1     ~~rectifier or~~ wholesaler holding a permit under this chapter for the sale of intoxicating  
2     liquor.”.

3             **\*b0521/2.3\* 504.** Page 1253, line 2: after that line insert:

4             **\*b0521/2.3\* “SECTION 2780b.** 139.035 of the statutes is repealed and recreated  
5     to read:

6             **139.035 Wine shipped directly to individuals in this state.** (1) All wine  
7     shipped directly to an individual located in Wisconsin by a person holding a direct  
8     wine shipper’s permit under s. 125.535 shall be sold with the occupational tax  
9     imposed under s. 139.03 included in the selling price. Each person holding a direct  
10    wine shipper’s permit under s. 125.535 shall be required to file an addendum to the  
11    monthly liquor tax return required under s. 139.06 (2) (a), on forms furnished by the  
12    department, that provides, at minimum, the identity, quantity, and price of all wine  
13    shipped to individuals in this state during the previous calendar month, along with  
14    the name, address, and birthdate of each person who purchased the wine and a copy  
15    of the signature provided by the person of legal drinking age who acknowledged  
16    delivery of the wine. A form shall also be developed by the department for recording  
17    an attestation of the delivery person who reviewed the proof of age identification  
18    provided at the time of delivery and determined that the recipient was not  
19    intoxicated.

20            **(2)** Any failure of a person holding a direct wine shipper’s permit under s.  
21    125.535 to pay the occupational tax or file the addendum required under sub. (1)  
22    within 30 days of its due date constitutes grounds for revocation or suspension of the  
23    permit. The provisions on timely filing under s. 71.80 (18) apply to the tax and  
24    addendum required under this section.

1           **\*b0521/2.3\* SECTION 2780f.** 139.11 (4) of the statutes is amended to read:

2           139.11 (4) CONFIDENTIALITY. Sections 71.78 (1) and (4) to (9) and 71.83 (2) (a)  
3           3., relating to confidentiality of income, franchise and gift tax returns, apply to any  
4           information obtained from any person on a fermented malt beverage or intoxicating  
5           liquor tax return, report, schedule, exhibit or other document or from an audit report  
6           relating to any of those documents, except that the department of revenue shall  
7           publish brewery production and sales statistics and shall publish or permit the  
8           publication of statistics on the total number of gallons of the types and brands of  
9           intoxicating liquor sold in this state and shall publish and make available on the  
10          department's Internet Web site a current and regularly updated list of permit  
11          holders that minimally includes detailed information on the name, address, contact  
12          person, and date of permit issuance for every manufacturer's and rectifier's permit  
13          issued under s. 125.52, winery permit issued under s. 125.53, direct wine shipper's  
14          permit under s. 125.535, wholesaler's permit issued under s. 125.54, and  
15          out-of-state shipper's permit issued under s. 125.58."

16          **\*b0514/2.2\* 505.** Page 1254, line 3: delete "\$324,000,000" and substitute  
17          "\$314,000,000".

18          **\*b0514/2.3\* 506.** Page 1254, line 6: delete "\$325,000,000" and substitute  
19          "\$315,000,000".

20          **\*b0350/1.43\* 507.** Page 1258, line 20: after that line insert:

21          **\*b0350/1.43\* "SECTION 2868b.** 146.55 (4) (a) of the statutes, as affected by  
22          2007 Wisconsin Act .... (this act), is amended to read:

23          146.55 (4) (a) From the appropriation under s. 20.435 (5) ~~(rb)~~ (ch), the  
24          department shall annually distribute funds for ambulance service vehicles or vehicle

1 equipment, emergency medical services supplies or equipment or emergency  
2 medical training for personnel to an ambulance service provider that is a public  
3 agency, a volunteer fire department or a nonprofit corporation, under a funding  
4 formula consisting of an identical base amount for each ambulance service provider  
5 plus a supplemental amount based on the population of the ambulance service  
6 provider's primary service or contract area, as established under s. 146.50 (5).".

7 **\*b0350/1.44\* 508.** Page 1259, line 3: after that line insert:

8 **\*b0350/1.44\* "SECTION 2869b.** 146.55 (5) (a) of the statutes, as affected by  
9 2007 Wisconsin Act .... (this act), is amended to read:

10 146.55 (5) (a) From the appropriation under s. 20.435 (5) (~~rb~~) (ch), the  
11 department shall annually distribute funds to ambulance service providers that are  
12 public agencies, volunteer fire departments, or nonprofit corporations to purchase  
13 the training required for licensure and renewal of licensure as an emergency medical  
14 technician - basic under s. 146.50 (6), and to pay for administration of the  
15 examination required for licensure or renewal of licensure as an emergency medical  
16 technician - basic under s. 146.50 (6) (a) 3. and (b) 1.".

17 **\*b0386/1.2\* 509.** Page 1259, line 3: after that line insert:

18 **\*b0386/1.2\* "SECTION 2869h.** 146.57 (3) (a) of the statutes is amended to read:

19 146.57 (3) (a) The department shall implement a statewide poison control  
20 system, which shall provide poison control services that are available statewide, on  
21 a 24-hour per day and 365-day per year basis and shall provide poison information  
22 and education to health care professionals and the public. From the appropriation  
23 under s. 20.435 (5) (ds), the department shall, if the requirement under par. (b) is  
24 met, distribute total funding of not more than \$375,000 \$425,000 in each fiscal year

1 to supplement the operation of the system and to provide for the statewide collection  
2 and reporting of poison control data. The department may, but need not, distribute  
3 all of the funds in each fiscal year to a single poison control center.”.

4 **\*b0350/1.45\* 510.** Page 1259, line 6: after that line insert:

5 **\*b0350/1.45\* “SECTION 2870b.** 146.58 (8) of the statutes, as affected by 2007  
6 Wisconsin Act ... (this act), is amended to read:

7 146.58 (8) Review the annual budget prepared by the department for the  
8 expenditures under s. 20.435 (5) (~~rb~~) (ch).”.

9 **\*b0444/1.7\* 511.** Page 1259, line 9: substitute “(5) (dg)” for “(4) (xf)”.

10 **\*b0540/1.2\* 512.** Page 1259, line 17: after that line insert:

11 **\*b0540/1.2\* “SECTION 2870mb.** 146.70 (3m) (a) 5. of the statutes is  
12 renumbered 146.70 (3m) (a) 3m. and amended to read:

13 146.70 (3m) (a) 3m. “~~Reimbursement~~ First reimbursement period” means the  
14 period beginning on September 3, 2003, and ending on the last day of the 3-year  
15 period beginning on the first day of the 2nd month beginning after the effective date  
16 of the rules promulgated under par. (f) 1.

17 **\*b0540/1.2\* SECTION 2870md.** 146.70 (3m) (a) 5m. of the statutes is created  
18 to read:

19 146.70 (3m) (a) 5m. “Second reimbursement period” means the period  
20 beginning on the first day after the last day of the first reimbursement period and  
21 ending on November 30, 2010.

22 **\*b0540/1.2\* SECTION 2870mf.** 146.70 (3m) (b) 1. of the statutes is amended to  
23 read:

1           146.70 (3m) (b) 1. Except as provided in subd. 2. and ~~par. pars. (cm) and~~ (d) 1e.,  
2           a wireless provider may not receive a grant under par. (d) unless, no later than the  
3           first day of the 3rd month beginning after the effective date of the rules promulgated  
4           under par. (d) 4., the wireless provider applies to the commission with an estimate,  
5           and supporting documentation, of the costs that it has incurred, or will incur, during  
6           the first reimbursement period to upgrade, purchase, lease, program, install, test,  
7           operate, or maintain all data, hardware, and software necessary to comply with the  
8           federal wireless orders in this state. The estimate may not include, and a wireless  
9           provider may not seek reimbursement for, any such costs that the wireless provider  
10          recovers or has recovered from customers in this state during or before the first  
11          reimbursement period for the implementation of wireless 911 emergency service in  
12          this state.

13           **\*b0540/1.2\* SECTION 2870mh.** 146.70 (3m) (c) 1. (intro.) of the statutes is  
14          amended to read:

15           146.70 (3m) (c) 1. (intro.) Except as provided in ~~par. pars. (cm) and~~ (d) 1e., a  
16          local government that operates a wireless public safety answering point, or local  
17          governments that jointly operate a wireless public safety answering point, may not  
18          receive a grant under par. (d) unless the requirements under subds. 3. to 5. are  
19          satisfied and, no later than the first day of the 3rd month beginning after the effective  
20          date of the rules promulgated under par. (d) 4., every county that itself is one of the  
21          local governments or in which any of the local governments is located applies to the  
22          commission with an estimate, and supporting documentation, of the costs specified  
23          in subd. 1r. and the costs that the local government or local governments have  
24          directly and primarily incurred, or will directly and primarily incur, during the first

1 reimbursement period for leasing, purchasing, operating, or maintaining the  
2 wireless public safety answering point, including costs for all of the following:

3 **\*b0540/1.2\* SECTION 2870mj.** 146.70 (3m) (cm) of the statutes is created to  
4 read:

5 146.70 (3m) (cm) *Second reimbursement period.* 1. No later than June 30,  
6 2008:

7 a. A wireless provider that has received grants under par. (d) for costs incurred  
8 during the first reimbursement period may apply to the commission for grants under  
9 par. (d) for reimbursement of costs incurred during the 2nd reimbursement period  
10 that are otherwise identified in par. (b) 1., except for costs that the wireless provider  
11 recovers or has recovered from customers in this state during or before the first or  
12 2nd reimbursement period for implementation of wireless 911 emergency service in  
13 this state.

14 b. A local government that has received grants under par. (d) for costs incurred  
15 during the first reimbursement period may apply to the commission for grants under  
16 par. (d) for reimbursement of costs directly and primarily incurred by the local  
17 government during the 2nd reimbursement period that are otherwise identified in  
18 par. (c) 1., except for costs specified in par. (c) 1m., and for reimbursement of costs  
19 directly and primarily incurred by the local government that are specified in par. (c)  
20 1r.

21 2. An application under subd. 1. shall include an estimate and supporting  
22 documentation of the costs for which reimbursement is sought. If a local government  
23 submitted a joint application under par. (c), the local government shall also submit  
24 a joint application under subd. 1. that specifies the manner in which the estimated  
25 costs are apportioned among the local government covered by the application.